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5 UNITED STATES DISTRICT COURT
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7 DISTRICT OF NEVADA

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9 LINWOOD EDWARD TRACY, JR.; et al.,)

10 PlaintiffS,) 3:11-cv-0436-LRH-VPC
11 v.)
12 CEO, SUCCESSOR FOR DEUTSCHE)
13 NATIONAL TRUST COMPANY; et al.,)
14 Defendants.)

ORDER

15 Before the court are plaintiff Linwood Edward Tracy, Jr.'s ("Tracy") motions for judgment
16 against defendants Quality Loan Service (Doc. #30¹); New Century Home Loan Equity Trust
17 (Doc. #31); Jocelyn Corbett, Esq. (Doc. #32); Andrea Sheridan Ordin (Doc. #33); Nicole M.
18 Hoffman, Esq. (Doc. #44); Madeline K. Lee, Esq. (Doc. #45); Nicole L. Glöwin, Esq. (Doc. #46);
19 Wright, Finlay & Zak, LLP (Doc. #47); and United States District Judge Philip S. Gutierrez
20 (Doc. #49) which the court will construe as motions for default judgment.

21 In order to obtain a default judgment, a party must first obtain a clerk's entry of default
22 which can only be obtained by establishing, through an affidavit, that a defendant has failed to
23 plead or otherwise defend itself in the action. See FED. R. CIV. P. 55(a); *Warner Bros. Entm't Inc. v.*
24 *Caridi*, 346 F. Supp. 2d 1068, 1071 (C.D. Cal. 2004) (citation omitted). Here, no clerk's entry of
25 default has been obtained by Tracy against the aforementioned defendants. Thus, there is no basis

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1 Refers to the court's docket number.

1 for the court to enter a default judgment against these defendants. Accordingly, the court shall deny
2 the motions for judgment.

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4 IT IS THEREFORE ORDERED that plaintiff's motions for judgment (Doc. ##30, 31, 32,
5 33, 44, 45, 46, 47, 49) are DENIED.

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IT IS SO ORDERED.

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DATED this 19 day of September, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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